

## **REMARKS**

Prior to this Reply, claims 7-10 were pending in this application. In the final Office Action mailed January 6, 2010 ("Final Office Action"), claim 10 was rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter; and claims 7-10 under were rejected 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0059617 to Terakado et al. ("Terakado").

Applicant maintains the position that claims 7-10, as presented previously, are patentably distinguishable from the prior art relied on in the claim rejections included in the Office Action. Applicant reserves the right to re-present the subject matter recited in claims 7-10, as previously presented, in this or a related application.

### **I. Rejection of Claim 10 Under 35 U.S.C. § 101**

In the final Office Action, claim 10 was rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. The final Office Action asserts that "[t]he 'computer-readable medium' can [be] broadly interpret[ed] to include [a] signal which is non-statutory subject matter" and, further, that "[i]n the state of the art, transitory signals are commonplace as a medium for transmitting computer instruction[s] and . . . in the absence of any evidence to the contrary and give[n] the broadest reasonable interpretation, the scope of a 'computer readable medium' covers a signal per se." Final Office Action at 4. As best understood, the final Office Action is asserting that Applicant's recited "computer-readable recording medium" can be appropriately interpreted as a "transitory" or propagating "signal," and, therefore, "is not a 'process, machine, manufacture, or composition of matter.'" See M.P.E.P. § 2106(IV)(B) (citing *In re Nuijten*, 500 F.3d 1346 (Fed. Cir. 2007)). Applicant respectfully submits that the final

Office Action's assertion that the "computer-readable recording medium" can be interpreted as a "transitory signal" is improper.

According to Applicant's specification:

[the] recording medium is constituted not only by **package media** distributed so as to provide a program for the user independently of a device itself, as shown in Fig. 3, which comprised of the **magnetic disk 71** (including a flexible disk), the **optical disk 72** (including a compact disk-read only memory (CD-ROM)), and a **digital versatile disk (DVD)**, the **magneto-optical disk 73** (including an mini-disk (MD (registered trademark))), or the **semiconductor memory 74**, on which a program is recorded, but also by the **ROM 62** on which a program is recorded or a hard disk contained in the storage section 69, which is already incorporated into a device itself so as to be provided for the user.

Applicant's Written Description at pg. 58, ll. 9-20. (Emphasis added). Applicant respectfully submits that "[computer-readable] recording medium" has only been disclosed in the written description as being selected exclusively from a list of exemplary tangible forms of media. "The Patent and Trademark Office ("PTO") determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction 'in light of the specification as it would be interpreted by one of ordinary skill in the art.' *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004)." M.P.E.P. § 2111 (citing *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005)). Applicant notes that that nowhere in its written description has "recording medium" been expressly disclosed as constituting a "transitory signal" and that imposing such a definition is inconsistent in light of the specification as would be interpreted by one of ordinary skill in the art.

Furthermore, the M.P.E.P. has defined “functional descriptive material” as material which “consists of data structures and computer programs which impart functionality when employed as a computer component.” M.P.E.P. § 2106.01 (Internal citations omitted). The M.P.E.P. continues, mandating that “[w]hen functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.” Id. Applicant respectfully submits that claim 10 clearly recites a “computer-readable medium that imparts functionality when employed as a computer component,” and is therefore statutory as mandated by M.P.E.P. § 2106.01.

For at least the reasons outlined above, Applicant respectfully submits that independent claim 10 falls within the categories of patentable subject matter. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 101 rejection with respect to claim 10.

## **II. Claim Rejection Under 35 U.S.C. § 102(b) Based on Terakado**

In the final Office Action, claims 7-10 under were rejected 35 U.S.C. § 102(b) as allegedly being anticipated by Terakado. Independent claims 7, 9, and 10 are the only independent claims included in the claim rejection under Section 102(b), and Applicant respectfully traverses the rejection of independent claims 7, 9, and 10 under Section 102(b) based on Terakado at least because Terakado fails to disclose all of the subject matter recited in each of independent claims 7, 9, and 10.

### **Amended Independent Claim 7**

Amended independent claim 7 recites, in pertinent part,

[a] control apparatus configured to:

...

acquire first operation screen information for displaying a first operation screen corresponding to [a] first information processing apparatus and second operation screen information for displaying a second operation screen corresponding to [a] second information processing apparatus; and

display the first operation screen and the second operation screen, wherein the second information processing apparatus is controlled by a control command created in a remote control apparatus and delivered via the first information processing apparatus, wherein the first information processing apparatus is configured to:

receive the control command from the remote control apparatus;

determine, based on information contained in the command, a destination address of the second information processing apparatus; and

forward the control command to the second information processing apparatus, based on the destination address.

(Emphasis added). Terakado fails to disclose at least this recited subject matter.

Terakado discloses a data server 100 that is connected to a home server 110 via a network. Terakado at paragraph [0039]. Home server 110 is capable of communicating with a remote control 120. Id. Home server 110 is also connected to a plurality of home appliances 130. Id. Remote control 120 includes a display screen that can also be used as a touch-panel and can be linked to the home appliances 130. Id. Remote control 120 can receive and update functions for remotely controlling each of the home appliances 130 from home server 110. Id. at paragraph [0048]. Furthermore, remote control 120 can instruct home appliances 130 to update new function data related to the home appliance from home server 110. Id. at paragraph [0050]. Thus, remote control 120 can update itself with new function data for controlling home

appliances 130, by downloading such new function data from home server 110. Id. at paragraph [0052]. Similarly, remote control 120 can command each of home appliances 130 to update itself with new function data for controlling home appliances 130 by downloading such new function data from home server 110. Id. Importantly, remote control 120 is directly linked to each of home appliances 130 that it is configured to control. Id. at paragraph [0039] and Fig. 1.

The Office Action implicitly asserts that the remote control of Terakado can control one or more of the home appliances 130 through home server 110 in an apparent effort to assert that Terakado anticipates Applicant's recitation of "[a] second information processing apparatus [that] is controlled, via the first information processing apparatus . . . ." Office Action at 2-3. Applicant respectfully disagrees with the Office Action's assertion.

Nevertheless, Applicant has amended independent claim 7 to recite "[a] second information processing apparatus [that] is controlled by a control command created in a remote control apparatus and delivered via the first information processing apparatus, wherein the first information processing apparatus is configured to: receive the control command from the remote control apparatus; determine, based on information contained in the command, a destination address of the second information processing apparatus; and forward the control command to the second information processing apparatus, based on the destination address." (Emphasis added). Terakado fails to disclose or suggest at least this claim element.

For example, although remote control 120 of Terakado is in communication with both home server 110 and home appliances 130, Terakado is altogether silent with

respect to “a first information processing apparatus” that can “receive a control command, determine, based on information contained in the control command, a destination address of the second information processing apparatus, and forward the control command to the second information processing apparatus, based on the destination address.” In fact, Terakado is completely silent with regard to any component that can receive a control command from a remote control, determine a destination address for the control command, and forward the control command to the component associated with the destination address, and does not render obvious such subject matter. Indeed, although Terakado repeatedly discloses a control link between remote control 120 and home appliances 130, it fails to disclose that such link exists *through* the home server 110. See, e.g., Terakado at paragraphs [0039], [0041], [0042], [0046], among others.

Because Terakado fails to disclose at least, “[a] second information processing apparatus [that] is controlled by a control command created in a remote control apparatus and delivered via the first information processing apparatus, wherein the first information processing apparatus is configured to: receive the control command from the remote control apparatus; determine, based on information contained in the command, a destination address of the second information processing apparatus; and forward the control command to the second information processing apparatus, based on the destination address,” as recited in Applicant’s amended independent claim 7, the 35 U.S.C. § 102(b) rejection of independent claim 7 based on Terakado is improper and should be withdrawn. Furthermore, claim 8 depends from amended independent claim 7 and should be allowable for at least the same reasons as claim 7. Accordingly,

Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 102(b) rejection of claims 7 and 8 based on Terakado.

**B. Amended Independent Claims 9 and 10**

Amended independent claims 9 and 10 each recite, in pertinent part, a control method comprising:

requesting, via [a] remote control apparatus from the first information processing apparatus, address information of a second information processing apparatus connected to the first information processing apparatus via a network;  
...; and  
controlling, in response to a control command created in the remote control apparatus and delivered via the first information processing apparatus, the second information processing apparatus, wherein the first information processing apparatus is configured to:  
receive the control command from the remote control apparatus;  
determine, based on information contained in the command, a destination address of the second information processing apparatus; and  
forward the control command to the second information processing apparatus, based on the destination address.

As outlined above with respect to amended independent claim 7, Terakado fails to disclose at least, “a first information processing apparatus” that can “receive a control command, determine, based on information contained in the control command, a destination address of the second information processing apparatus, and forward the control command to the second information processing apparatus, based on the destination address,” as recited in each of Applicant’s amended independent claims 9 and 10. Therefore, the 35 U.S.C. § 102(b) rejection with respect to independent claims 9 and 10 based on Terakado cannot be maintained and should be withdrawn.

### III. Conclusion

In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application, withdrawal of the claim rejections, and timely allowance of pending claims 7-10.

The Office Action contains characterizations and assertions regarding the claims and the cited art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant respectfully declines to automatically subscribe to any characterizations or assertions included in the Office Action.

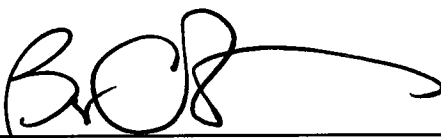
If the Examiner believes that a conversation might expedite prosecution of this application, the Examiner is cordially invited to call Applicant's undersigned representative.

Please grant any extensions of time required to enter this Reply and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

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